(4)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 81 of 2000

PETITIONER : KUNTI KARAI
W/o Sri Shiv Shankar Karai,
38 years, r/o Vill. Aghanpur
Distt. Bastar.

V ERSUS

RESPONDENTS :
1. State of Chhattisgarh
through : Secretary Panchayat
& Social Welfare, Raipur.

2. The Chief Executive Officer,
Fisheries-farmer-Development
Agency, Jagdalpur.

3. Gram Panchayat, Aghanpur
through: Sarpanch, Aghanpur
Distt. Bastar.

P.R. No. 85/2000
Presented by Shri ... Bhanu ...
dated 5/12/2000
5/12/2000

WRIT PETITION UNDER ARTICLE 226 & 227 of
THE CONSTITUTION OF INDIA.

(65)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP No. 81/ सन् 2000

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	23.06.2003 Shri Prafulla Bharat, counsel for the petitioner. Shri Ranbir Singh, G.A. with Shri Sanjay S. Agrawal, P.L. for the State. Heard. Though the matter is listed for orders on I.A.No.226/2001, but considering that a short question is involved, on the prayer of learned counsel for the petitioner and with the consent of the State Counsel, the matter is being disposed of at this stage. It is not disputed that on 6.3.1997 the petitioner was granted a fishing lease in respect of Pandaritarai Pond bearing Khasra No.46 for a period of 10 years. This is clear from Annexure P/3. According to the petitioner, she was placed in possession of the tank and started fishing operation. However, before the expiry of the lease, vide order dated 29.11.2000, copy whereof is Annexure P/1, the lease deed was cancelled which order is the subject matter of challenge in this writ petition. The petitioner contends that the order of cancellation of lease was passed without according to her, any opportunity of	

[पीछे देखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

hearing which omission is sufficient to vitiate the order. To this averment which is contained in paragraph 6.2 of the writ petition no specific reply has been given by respondents No.1 and 2 in their return. The Gram Panchayat was served but has not entered appearance. Thus, it is more or less an admitted fact that before the order of cancellation was passed, the petitioner was neither noticed nor heard. In this view of the matter, the order impugned (Annexure P/1) cannot be sustained and is accordingly quashed. It goes without saying that in case any action is to be taken, it should be in accordance with the rules and regulations governing the field after giving to the petitioner a reasonable opportunity of hearing.

With the above observations, this petition is disposed of. Consequently, I.A. Nos. 4923/2002, 2889/2002 and 860/2003 for urgent hearing also stand disposed of.

Sd/-
P.C.Naik
Judge

Anjani

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